

REMARKS

The Office Action provided grounds for the rejection of claims 1-12, 14, 16-27 and 29-31. Claims 1-12, 14, 16-27, and 29-31 were canceled. Claims 13, 15, and 28 were previously canceled. Claims 32, 33 and 34 were added. Support for new claims 32, 33 and 34 can be found at least in the originally filed claims, and ¶¶ 0053-0057, 0068, 0069, 0092 and 0098 and Figure 2, 5, and 6. No new matter has been added.

Assignee respectfully requests consideration of pending claims 32, 33 and 34, and allowance of the present application in view of the amendments together with the following remarks.

INTERVIEW SUMMARY

Assignee thanks the Examiner, Charles Agwumezie, for the courtesies extended to Assignee's representatives, Alexander Franco (reg. no. 45,753) and Robert D. Summers, Jr. (reg. no. 57,844), during the telephonic interview that took place on March 27, 2012. During the interview, the § 101 rejections of the pending claims were discussed in view of MPEP 2101.1 and the case *In Re Lowry*. The Examiner agreed that a claim placed in the format of *In Re Lowry* would overcome the § 101 rejections.

Detailed Remarks

I. Rejections Under 35 U.S.C. § 101

The Office Action, at pages 9-10, rejected claims 1-12, 14, 16-27 and 29-31 under 35 U.S.C. § 101, because the claimed invention is directed to non-statutory subject matter. The Office Action, at page 3, asserts that "independent claims 1 and 20 constitute data structures representing descriptive material per se and/or computer programs representing computer listings per se and for these reasons for these reasons are non-statutory subject matter because [these claims] are incapable of causing functional change in the computer." The Office Action, at page 3, further asserts Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 recites that a "claim to a data structure per se held nonstatutory". In view of new claims 32, 33 and 34, the § 101 rejections directed to claims 1-12, 14, 16-27 and 29-31 are moot.

MPEP 2101.1 discloses that

"When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)(discussing patentable weight of data structure limitations in the context of a statutory claim to a data structure stored on a computer readable medium that increases computer efficiency) and *In re Warmerdam*, 33 F.3d 1354, 31 USPQ2d 1754, 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory)."

Accordingly, both *Warmerdam* and *In re Lowry* clearly support a claim to a specific data structure stored on a computer readable medium and a computer having a specific data structure stored in memory as statutory.

Claim 32 recites a "computer-readable memory for storing data for access by an application program being executed on a data processing system." These features of claim 32 are consistent with the preamble recited by the claims of *In re Lowry* held by the court there to have patentable weight. Claim 32 further recites "a data structure stored in said memory" claimed in a manner consistent with the data structure limitations recited by the claims under review by the *In re Lowry* court held by the court to have patentable weight. Thus, for at least these reasons the subject-matter of claim 32 and claims 33 and 34 that depend from claim 32 recite patentable subject matter under 35 U.S.C. § 101.

II. Rejections Under 35 U.S.C. § 103(a)

The Office Action, at pages 10-25, rejected claims 1-12, 14, 16-20, and 22-26, under 35 U.S.C. §103(a) as being unpatentable over Dimitrios et al. (U.S. Patent No. 5,659,723) in view of Bosco et al. (U.S. Patent No. 5,191,522) and further in view of Guy et al. (U.S. Patent No. 6,993,510). The Office Action, at pages 25-35, rejected claims 21, 27, and 29-31, under 35 U.S.C. §103(a) as being unpatentable over Dimitrios, in view of Bosco, in view of Guy in further in view of Hele et al. (U.S. Patent

Application Publication No. 2002/0111835 A1). These § 103 rejections directed to claims 1-12, 14, 16-27 and 29-31 are now moot since these claims have been cancelled. New claims 32-34 recite additional patentable distinctions over the cited art.

New Claims 32, 33 and 34

Independent Claim 32 recites an insurance program data object that establishes a relationship between the insurance product data object and the service data object. Applicants respectfully submit that the cited art does not disclose these limitations.

In the Office Action, at page 14, the Examiner takes the position that Bosco, at col. 20, ll. 45-60, discloses "a program entity class." Although claim 32 recites an "insurance program data object," rather than "a program entity class," as recited by the now cancelled claim 1, neither of these features are disclosed by the cited portion of Bosco. The cited portion of Bosco does no more than refer to "plans of insurance and related insurance services." See Bosco at col. 20, ll. 45-60. Bosco does not, however, disclose a data object that establishes a relationship between other data objects representing products and services. Indeed, Bosco does not even disclose a data object representing services, which is a prerequisite to a data object establishing a relationship involving that data object. Thus, claim 32 and the claims that depend from 32 are patentable over the references, taken alone or in any combination.

Claim 33 has been added to recite specific examples from the specification of different types of insurance products and services. The Application, at ¶¶ 0057 and 0135, discloses products such as general liability, commercial property, inland marine and commercial crime, and services such as boiler inspections, loss control inspections, and claim services.

Claim 34, which depends from claim 32, recites a "submission/ quote/ policy/ renewal" identifier that identifies a life cycle stage of the offering including a submission stage, a quote stage, a policy stage, a renewal stage, the offering including: a risk grade; a premium amount; and a bill type. Nowhere does Dimitrios, even in combination with Bosco and Guy, express the slightest notion of a "submission/ quote/ policy/ renewal" identifier that identifies a life cycle stage of the offering, as claimed. Thus, claim 34 is patentable over the references, taken alone or in any combination.

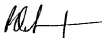
Conclusion

In view of the above amendments and remarks, Assignee respectfully submits that this application is in condition for allowance and such action is earnestly requested. If for any reason the Application is not allowable, the Examiner is requested to contact the Assignee's undersigned attorney.

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Respectfully submitted,



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